

M&G 13910.1USTC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of:

Application Serial No.: 76-086,601

Applicant: Britesmile, Inc.

Trademark: BRITESMILE ASSOCIATED TEETH WHITENING CENTER

Official Gazette: October 8, 2002, TM 749

Filing Date: July 11, 2000

REQUEST FOR A 60-DAY EXTENSION OF TIME
TO FILE NOTICE OF OPPOSITION

To the Commissioner for Trademarks
ATTN: BOX TTAB
2900 Crystal Drive
Arlington, VA 22202-3513

Dear Commissioner:

On behalf of Dennis C. Simmons, D.D.S., d/b/a Brite Smiles Dental Care, it is respectfully requested that a sixty (60)-day extension of time, up to and including January 6, 2003, be granted within which to oppose the above-identified application.

GOOD CAUSE:

Publication of the subject application was only recently observed by the undersigned trademark counsel for the prospective opposer and there has not been sufficient time to complete an investigation, review the application file, meet with management for the prospective opposer and otherwise obtain the information necessary to determine whether to oppose, and if so, to prepare a Notice of Opposition.

This request for extension is not being made for the purpose of mere delay of the proceedings, and favorable consideration of the request is submitted.

By its Attorneys,

Date: Oct. 31, 2002

Daniel W. McDonald

Daniel W. McDonald
Thomas J. Leach
MERCHANT & GOULD P.C.
P.O. Box 2910
Minneapolis, MN 55402-0910
612.332.5300

CERTIFICATE OF MAILING

I hereby certify that this REQUEST FOR A 60-DAY EXTENSION OF TIME TO FILE NOTICE OF OPPOSITION regarding Application Serial No. 76-086,601, filed July 11, 2000 is being deposited with the United States Postal Service 1st Class Mail, in an envelope addressed to Commissioner for Trademarks, Attn: T.T.A.B., 2900 Crystal Drive, Arlington, VA 22202-3513 on this 31 day of October, 2002.

Kimberly Staffholt

Kimberly Staffholt

13910.1USTC

OCTOBER 8, 2002

U.S. PATENT AND TRADEMARK OFFICE

TM 749

CLASS 42—(Continued).

SN 76-086,418. BARRY GOLDWATER INSTITUTE FOR PUBLIC POLICY RESEARCH, PHOENIX, AZ. FILED 7-11-2000.



NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "INSTITUTE", APART FROM THE MARK AS SHOWN, FOR PROVIDING RESEARCH AND ANALYSIS OF GOVERNMENT AND PUBLIC POLICY ISSUES TO THE PUBLIC; DONORS, LEGISLATORS, MEDIA ORGANIZATIONS AND OTHER POLICY ORGANIZATIONS (U.S. CLS. 100 AND 101).

FIRST USE 1-0-1997; IN COMMERCE 1-0-1997.

SN 76-086,601. BRITESMILE, INC., WALNUT CREEK, CA. FILED 7-11-2000.

BRITESMILE ASSOCIATED TEETH WHITENING CENTER

OWNER OF U.S. REG. NOS. 1,645,745, 2,437,483 AND 2,437,487.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ASSOCIATED TEETH WHITENING CENTER", APART FROM THE MARK AS SHOWN.

FOR TEETH WHITENING SERVICES AND CENTERS (U.S. CLS. 100 AND 101).

FIRST USE 2-0-1999; IN COMMERCE 2-0-1999.

SN 76-089,371. NIKLAS DATA GROUP N.V., 1077 AW AMSTERDAM, NETHERLANDS, FILED 7-14-2000.

eNiklas

PRIORITY CLAIMED UNDER SEC. 44(D) ON SWEDEN APPLICATION NO. 00-00298, FILED 1-17-2000, REG. NO. 347894, DATED 8-17-2001, EXPIRES 8-17-2011.

FOR DATABASE DEVELOPMENT SERVICES; COMPUTER PROGRAM DESIGN FOR OTHERS; COMPUTER CONSULTATION; COMPUTER SYSTEMS ANALYSIS; COMPUTER PROGRAMMING FOR OTHERS; DESIGN OF COMPUTER HARDWARE; COMPUTER SERVICES, NAMELY, CREATING AND MAINTAINING WEB SITES FOR OTHERS; COMPUTER SERVICES, NAMELY, DESIGNING AND IMPLEMENTING NETWORK WEB PAGES FOR OTHERS; MAINTENANCE OF COMPUTER SOFTWARE; RENTAL OF COMPUTER HARDWARE; RECOVERY OF COMPUTER DATA; COMPUTER RESEARCH SERVICES FOR OTHERS (U.S. CLS. 100 AND 101).

CLASS 42—(Continued).

SN 76-102,220. CIRCADENCE CORPORATION, BOULDER, CO. FILED 8-3-2000.

CIRCADENCE

FOR PROVISION AND OPERATION OF A COMPUTER COMMUNICATIONS NETWORK COMPRISED OF HARDWARE AND SOFTWARE FOR SCALABILITY, PRIORITIZATION, EFFICIENCY, PROFITABILITY AND PERFORMANCE ENHANCEMENT OF ELECTRONIC CONTENT DELIVERY (U.S. CLS. 100 AND 101).

SN 76-115,975. DRIVIN.COM, INC., CAMPBELL, CA. FILED 8-23-2000.

DRIVING TV

FOR PROVIDING ONLINE INFORMATION REGARDING HISTORY, MODEL, VALUE AND PERFORMANCE CONCERNING THE AUTOMOTIVE INDUSTRY AND MOTOR VEHICLE RATINGS; DESIGNING, CREATING, MAINTAINING AND HOSTING WEB SITES OF OTHERS ON A COMPUTER SERVER FOR A GLOBAL COMPUTER NETWORK; COMPUTER CONSULTATION IN THE FIELDS OF DESIGNING, CREATING, HOSTING, MAINTAINING, OPERATING, ADVERTISING AND MARKETING ONLINE COMMERCE WEBSITES RELATING TO THE AUTOMOTIVE INDUSTRY, MOTOR VEHICLES AND SALES, LEASING, PRICES AND RATINGS OF MOTOR VEHICLES; AND TECHNICAL SUPPORT SERVICES, NAMELY TROUBLESHOOTING OF COMPUTER HARDWARE AND SOFTWARE PROBLEMS RELATED TO DESIGNING, CREATING, HOSTING, MAINTAINING AND OPERATING ONLINE COMMERCE WEBSITES RELATING TO THE AUTOMOTIVE INDUSTRY, MOTOR VEHICLES AND SALES, LEASING, PRICES AND RATINGS OF MOTOR VEHICLES VIA EMAIL (U.S. CLS. 100 AND 101).

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

Dennis C. Simmons, D.D.S., P.A. d/b/a.
BRITE SMILES DENTAL CARE,

Opposer,

BRITESMILE, Inc.

Applicant.

Mark: BRITESMILE ASSOCIATED TEETH WHITENING CENTER
Serial No.: 76-086,601

Docket Number: 13910.1USTC

Official Gazette: October 8, 2002, TM 749

Due Date: November 7, 2002
Filing Date: July 11, 2000

- ☒ Return postcard.
- ☒ Transmittal Sheet in duplicate containing Certificate Under 37 C.F.R. 1.8
- ☒ 60-Day Request for Extension of Time for Filing Notice of Opposition (Original and 2 Copies).

DWM/kss

Date Mailed: October 31, 2002

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BRITESMILE, Inc.

Applicant.



11-04-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #71

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Merchant & Gould

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A Professional Corporation

Direct Contact

612-336-4703
E-Mail: manderson@merchant-gould.com

February 28, 2003

Teason Williams
United States Patent and Trademark Office
2900 Crystal Drive
Arlington, VA 22202-3513

VIA FACSIMILE

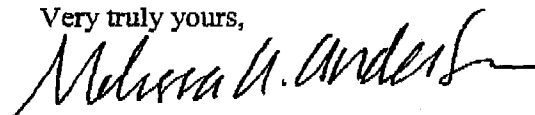
Re: Brite Smiles Dental Care v. Britesmile, Inc.
Serial No.: 76-086,601
Our File: M & G 13910.1USZA

Dear Ms. Williams:

Enclosed per your request are the documents related to the extensions of time for November 2002 and January 2003.

If you should have any questions, please do not hesitate to contact me. Thank you for your assistance.

Very truly yours,



Melissa A. Anderson
Litigation Paralegal

/maa
Enclosures

Minneapolis/St. Paul
Denver
Seattle
Atlanta
Washington, DC

Merchant & Gould

An Intellectual Property Law Firm

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Fax Transmission | February 28, 2003

To:	Teason Williams	From:	Melissa A. Anderson
Company:	USPTO	Our Ref.:	13910.1USZA
Your Ref:	Serial No.: 76-086,601	Fax No.:	612.332.9081
Fax No.:	703-746-7128	Phone No.:	612.336.4703
Phone No.:	703-308-9300 x 153	Total Pages:	
State/Country:		E-Mail:	manderson@merchant-gould.com
Confirmation Via Mail:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Return Fax To:	Melissa A. Anderson 32

Document Transmitted: Requested Extension Materials.

Message:

This transmission contains information that is confidential and/or legally privileged. It is intended for use only by the person to whom it is directed. If you have received this telecopy in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us.

If you did NOT receive all of the pages, please call us in the U.S.A. at 612.336.4667 or fax us at 612.332.9081.

Merchant & Gould

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A Professional Corporation

Dennis C. Simmons, D.D.S., P.A. d/b/a
BRITE SMILES DENTAL CARE,

Opposer,

v.

BITESMILE, Inc.

Applicant.

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By:

Name: Kimberly StaSholt

Commissioner for Trademarks
Box TTAB
2900 Crystal Drive
Arlington, VA 22202-3513

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Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate copy of this sheet is enclosed.

By:

Name: Daniel W. McDonald

DWM/kss

(CONTESTED MATTER)

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By: Kimberly Stafsholt
Name: Kimberly Stafsholt

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By: Daniel W McDonald
Name: Daniel W. McDonald
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(CONTESTED MATTER)